DEPARTMENT OF STATE

BRIEFING MEMORANDUM

S/S

DEC 13

December 3, 1979

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UNCLASSIFIED

TO: The Acting Secretary

FROM: HA - Patricia M. Derian

Your Meeting with UNA-USA Delegation, Monday, December 10, 1979, 3:00 PM

I. PARTICIPANTS

William Coleman, Chairman, UNA-USA Human Rights Project — The Acting Secretary

Judge David Bazelon
Marjorie Benton
Samuel De Palma - former Assist. Sec. IO
Donald Fraser - former Congressman
Prof. Louis Henkin - Columbia University
Jerome J. Shestack, President, ILHR
Helmut Sonnenfeldt - former Counselor
Thornton Wilson, Chairman of the Board, Boeing
William Wipfler, National Council of Churches
William Wimpisinger, President, International Association of Machinists

II. INTRODUCTION

The UNA-USA will release publicly on December 10 a report, nearly two years in preparation, on Human Rights and U. S. Foreign Policy. A previous briefing memorandum on the Study is attached. The study was prepared by a distinguished panel, chaired by William Coleman, drawn from wide range of political persuasions. The report is a strong endorsement of the incorporation of human rights in U. S. foreign

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policy. The objective of the report was to assist the Carter Administration in its implementation of human rights principles in day-to-day foreign policy decisions. It supports increased attention to human rights in foreign policy and makes specific recommendations for so doing. In many ways, the report specifies a position more advanced than we have yet taken. The report proper makes no reference to the Carter Administration or the fact that it has undertaken a human rights policy and also has implemented many of the report's recommendations. An appended statement by Jerry Shestack, concurred in by others, criticizes this omission and commends the Carter Administration for having implemented most of the recommendations contained in the report.

Panel members will present the report and seek to discuss its recommendations.

III. ISSUES

1. Points to be Made

-- This report represents a formidable effort by a broadly representative group. It is especially appropriate that it is being released on Human Rights Day.

-- We appreciate the report's general endorsement of the administration's human rights policy.

-- We note that there are some dissenting opinions expressed which is only to be expected given the variety of interests of those who drafted the report. What is striking is the degree of unanimity despite these differences.

-- The administration has undertaken most of the specific recommendations in the report.

-- At the instance of the human rights community, the Department arranged for Senate hearings on ratification of the human rights treaties. We strongly supported ratification in our testimony and noted that our failure to ratify detracted from the credibility of our overall human rights efforts.

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-- We are cautiously optimistic about U. S. return to the ILO and will undertake an examination of the ILO Conventions.

-- We take human rights considerations into account in our votes on loans in the MDBs. Indeed, we are mandated to do so by the Congress. We consult actively with other nations about these votes.

-- The IMF's role in the development process is critical. There may be disagreement about its prescriptions for economic reform but its activities have substantially enhanced social and economic rights in those countries where it has played a major role.

-- We factor human rights concerns into both our security and economic assistance. The mechanisms for this, including the Interagency Committee and AECB, have been improved over the last three years. Given the range and complexity of our policy interests, however, some disagreement on how successful we have been is inevitable.

Attachment

1. Briefing Memorandum on UNA-USA Human Rights Study.

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DEPARTMENT OF STATE

BRIEFING MEMORANDUM

S/S

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December 5, 1979

TO: The Deputy Secretary

FROM: HA - Patricia M. Derian

UNA-USA Human Rights Study

We have just received an advance copy of the UNA-USA report on Human Rights and US Foreign Policy, now nearly two years in preparation. The distinguished panel, chaired by Bill Coleman (of Allis Chalmers fame) included Judge Bazelon, Tony Lewis, George Will, International Association of Machinists President Bill Winpisinger, and Boeing's Board Chairman Thornton Wilson among others. The report itself will be released publicly on December 10, Human Rights Day, in both Washington and New York.

The report is a strong endorsement of the incorporation of human rights in the conduct of US foreign policy by a group drawn from differing political persuasions. Its Preface notes that the objective of the report is to assist the Carter Administration in its implementation of human rights principles into day-to-day foreign policy decisions. It supports increased attention to human rights in foreign policy and specifies in many ways a position more advanced than we have yet taken.

The report proper does not make any reference to the Carter Administration or the fact that it has undertaken a human rights policy and also has implemented many of the report's recommendations. An appended statement by Jerry Shestack (concurred with by others) criticizes this omission and commends the Carter Administration for having implemented most of the recommendations contained in the report. His statement contrasts this Administration's record with the previous Administration's reluctance to undertake a human rights policy. We understand the Chairman, Bill Coleman, strongly urged Shestack to withdraw this statement, but that he did not succumb to the pressure.

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The report offers recommendations for implementing a human rights policy in multilateral and bilateral fora. With regard to multilateral institutions, the report calls non-ratification of international human rights treaties "one of the nation's most striking failures in the human rights field" and urges ratification of UN and OAS human rights treaties with a minimum of reservations. It further urges US reconsideration of rejoining the ILO and a review of ILO conventions with a view toward ratification.

In the multilateral development banks, the report recommends that the allocation of loans within those banks should take into account human rights factors. However, it also asserts that the institutions' disinclination to give adequate consideration to human rights criteria is still no justification for the United States to reduce its contributions to those banks. The report urges the US to seek support of other states to ensure the banks' application of human rights criteria.

Interestingly, the report is more advanced than our current policy with respect to the IMF. Although it acknowledges the differences between the IMF and the MDB's, it argues that the United States must recognize the impact of restrictive IMF prescriptions on the social and political conditions of countries. It states that IMF demands for reduced expenditures can result in public protest and consequent repressive actions by governments.

In the bilateral area, the report notes that military relationships are the most tangible aspects of government-to-government ties. It urges that restrictions be placed on those relationships where countries engage in serious human rights violations. It would ban any involvement with the police or internal security agencies in those countries. The report argues that the United States gives too much weight to the security rationale in excusing human rights violations and maintaining military assistance relationships with particular governments. It states that the rationale is too easily and frequently used. Even in those few

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cases where it could be justified, such justification should be made public and combined with an effort to seek alternative means to move a government away from human rights abuses or alternative means to satisfy United States security interests beyond maintaining support for that government. The report states that we are placed too often in the position of supporting dictatorships with a short-term security rationale that damages long-term United States security interests and national image.

With regard to economic aid, the report emphasizes that as a nation we have scarce resources to allocate and those resources should be allocated only to countries with positive human rights records or those making significant improvements in human rights conditions. It argues that the basic human needs concept is a faulty one which should not be a loophole to permit continued government-to-government bilateral support when human rights conditions argue for dissociation from a government. The report maintains that bilateral development assistance should only be continued to repressive regimes if it goes through private non-governmental entities.

In the area of trade, the report again goes beyond current policy, arguing that it is appropriate to restrict any government-subsidized program which carries with it a benefit, even indirect, to a recipient government which engages in serious human rights violations. In that regard, it argues for restrictions on the Export-Import Bank program and favors the old versus the new language on the Export-Import Bank legislation. It contends that GSP involves discretionary grants by the U.S. government that benefit other governments. Therefore, it should be conditioned on human rights factors.

With regard to investment, the report asserts that corporations should not profit from the exploitation of human rights violations such as racial discrimination or substandard working conditions. Initially, corporations should be advised where such practices exist and urged to divest or not to undertake new in-

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vestment. If they continue to make new investments, the report then favors legislation to regulate such investments.

The report has a separate section on refugees and supports the refugee bill moving through the Congress. It calls upon the US to seek to strengthen existing international law concerning refugees and asylum and incorporate those stronger international standards into US domestic law. It also argues for an increased US commitment to resolving refugee problems.

There are several dissenting opinions to the report. Bill Coleman and Thornton Wilson oppose the application of human rights criteria to Eximbank, OPIC, and export licensing except in extraordinarily exceptional circumstances. In the section on military relationships, Bill Wipfler proposes the establishment of a Congressional oversight committee to ensure that human rights concerns are more frequently taken into account in military assistance recommendations.

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